

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Case name UNITED STATES v. CARLOS ESPINOLA FILED
 District Court Case No. 04-10288-RWZ District of MASS CLERK'S OFFICE
 Date Notice of Appeal filed 8-23-06 Court of Appeals Case No. _____
 Form filed on behalf of CARLOS ESPINOLA 2006 SEP 11 A 8:32

TRANSCRIPT REPORT

Transcript Not Necessary for this Appeal _____
 Transcript Already Filed in District Court. List each transcript by docket entry number and date and type of proceeding (attach separate page if necessary) 356 374 375 377 428

TRANSCRIPT ORDER

Name of Court Reporter CATHERINE A. HANDEL / LEE A. MARZILLI
 Phone Number of Reporter 617-261-0555 / 617-345-6787

A. ☒ This constitutes an order of the transcript of the following proceedings [check appropriate box(es) and indicate dates of hearing(s)]:

PROCEEDING(S)	HEARING DATE(S)
<input checked="" type="checkbox"/> Jury Voir dire	<u>5-8-06</u>
<input checked="" type="checkbox"/> Opening Statement (plaintiff)	<u>5-9-06</u>
<input checked="" type="checkbox"/> Opening Statement (defendant)	<u>5-9-06</u>
<input checked="" type="checkbox"/> Trial	<u>5-8-06</u>
<input checked="" type="checkbox"/> Closing Argument (plaintiff)	<u>5-19-06</u>
<input checked="" type="checkbox"/> Closing Argument (defendant)	<u>5-19-06</u>
<input checked="" type="checkbox"/> Findings of Fact/Conclusions of Law	<u>5-8-06 - 5-22-06 (DEF'T'S MOTIONS FILED 5-2-06)</u>
<input checked="" type="checkbox"/> Jury Instructions	<u>5-17-06</u>
<input type="checkbox"/> Change of Plea	_____
<input checked="" type="checkbox"/> Sentencing	<u>8-15-06</u>
<input type="checkbox"/> Bail hearing	_____
<input type="checkbox"/> Pretrial proceedings (specify) _____	_____
<input type="checkbox"/> Testimony (specify) _____	_____
<input type="checkbox"/> Other (specify) _____	_____

NOTE: Failure to specify in adequate detail those proceedings to be transcribed may lead to the rejection of this form and the dismissal of the appeal.

B. ☒ I certify that I have contacted the court reporter and the following financial arrangements for payment of the transcript have been made: **(TRANSCRIPTS PREVIOUSLY PURCHASED)**

- ☒ Private funds.
☐ Government expense (civil case) IFP has been granted and a motion for transcript at government expense has been allowed. (Attach a copy of the order to each copy of this order form.)
☐ Criminal Justice Act. A CJA Form 24 has been approved by the district court judge.
☐ Criminal Justice Act. A CJA Form 24 is attached for authorization by the court of appeals.
☐ Federal Public Defender/Government Counsel - no CJA Form 24 necessary.

Filer's name BRADFORD ELIOT KEENE, ESQ. Filer's Signature B. Keene

Firm/Address 220 BROADWAY SUITE 402 LYNNFIELD, MA 01940

Telephone number 781-346-6500 Date mailed to court reporter 9-11-06

(Court Reporter Use ONLY) Date received _____

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT
(617) 748-9057

DOCKETING STATEMENT

Proposed Caption of Case:
No.

CARLOS ESPINOLA
~~Plaintiff~~ - Appellant
v.

UNITED STATES OF AMERICA
~~Defendant~~ - Appellee

Type of Action

☐ Civil

☒ Criminal/Prisoner

☐ Cross Appeal

A. Timeliness of Appeal

1. Date of entry of judgment or order appealed from 8-15-06

2. Date this notice of appeal filed 9-11-06

If cross appeal, date first notice of appeal filed

NOTICE OF APPEAL FILED 8-23-06

3. Filing date of any post-judgment motion filed by any party which tolls time under Fed.R.App.P. 4(a)(4) and 4(b) _____

4. Date of entry of order deciding above post-judgment motion _____

5. Filing date of any motion to extend time under Fed.R.App.P. 4(a)(5), 4(a)(6) or 4(b) _____

Time extended to _____

B. Finality of Order of Judgment

1. Is the order or judgment appealed from a final decision on the merits? Yes ☒ No ☐

2. If no, is the order appealed from a collateral or interlocutory order reviewable under any exception to the finality rule? Yes ☐ No ☐

If yes, explain

3. Did the district court order entry of judgment as to fewer than all claims or all parties pursuant to Fed.R.C.P. 54(b)? Yes ☐ No ☒

If yes, explain

C. Has this case previously been appealed? Yes ☐ No ☒

If yes, give the case name, docket number and disposition of each prior appeal.

D. Are any related cases or cases raising related issues pending in this Court, any district court of this circuit, or the Supreme Court? Yes ☐ No ☒

If yes, cite the case and the manner in which it is related on a separate page. If abeyance or consolidation is

warranted, counsel must file a separate motion seeking such relief.

- E. Were there any in-court proceedings below? Yes ☒ No ☐
Is a transcript necessary for this appeal? Yes ☒ No ☐
If yes, is transcript already on file with district court?
Yes ☒ No ☐

If transcript is not already on file, attach copy of transcript order.

- F. List each adverse party to the appeal. If no attorney, give address and telephone number of the adverse party. Attach additional page if necessary.

1. Adverse party UNITED STATES OF AMERICA

Attorney DAVID TOBIN / MICHAEL PELGRO (AUSA)

Address JOHN J. MOAKLEY U.S. COURTHOUSE
UNITED STATES ATTORNEY'S OFFICE
1 COURTHOUSE WAY
BOSTON, MA 02210

Telephone 617-748-3100

2. Adverse party _____

Attorney _____

Address _____

Telephone _____

3.

Adverse party _____

Attorney _____

Address _____

Telephone _____

G. List name(s) and address(es) of appellant(s) who filed this notice of appeal and appellant's counsel. Attach additional page if necessary.

1. Appellant(s) name CARLOS ESPINOLA

Address PLYMOUTH COUNTY H.O.C., 26 LONG POND ROAD
PLYMOUTH, MA 02360

Telephone _____

Attorney's name BRADFORD ELIOT KEENE, ESQ

Firm KEENE & GIZZI, PC.

Address 220 BROADWAY
SUITE 402
LYNNFIELD, MA 01940

Telephone 781-346-6500

2. Appellant(s) name _____

Address _____

Telephone _____

Attorney's name _____

Firm _____

Address _____

Telephone _____

Will you be handling the appeal? (In criminal cases counsel below will handle the appeal unless relieved by this court.)

Yes ☐

No ☐

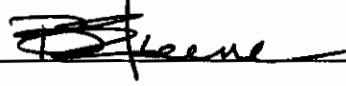
Fed.R.App.P. 12(b) provides that each attorney who files a notice of appeal must file with the clerk of the Court of Appeals a statement naming each party represented on appeal by that attorney. Local Rule 12 requires that statement in the form of an appearance. Any counsel who filed a notice of appeal must provide the requisite appearance to be attached to this form.

Attorneys who are associated with the case, but not actively representing a party on appeal, should NOT file an appearance form.

A copy of this Docketing Statement must be served on all other parties to the appeal, and in civil cases, Settlement Counsel, Civil Appeals Management Program, 1 Courthouse Way, Suite 3440, Boston, MA 02210, must be served as well.

United States Court of Appeals
for the First Circuit
Clerk's Office
1 Courthouse Way, Suite 2500
Boston, Massachusetts 02210
(617) 748-9057

Signature

A handwritten signature in black ink, appearing to read "D. J. Steene", written over a horizontal line.

Date

9-11-06

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

NO.

CARLOS ESPINOLA)
)
 Appellant)
 v.)
)
)
 UNITED STATES OF AMERICA,)
)
 Appellee)

CERTIFICATE OF SERVICE

I hereby certify that the instant Docketing Statement and Transcript Report/Order Form filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing System on September 11, 2006.

/s/ Bradford Eliot Keene
Bradford Eliot Keene